

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Criminal No. 08-355 (1) (RHK/RLE)

Plaintiff,

**ORDER**

v.

James Richard Ardito, Jr.,

Defendant.

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings herein in the above-entitled matter, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 30) is **ADOPTED**;
2. Defendant's Motion to Suppress Statements, Admissions and Answers (Doc. No. 21) is **DENIED**; and
3. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. 22) is **DENIED**.

Dated: January 22, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge